

NO. 17, PEARL STREET, CINCINNATI.  
January 1, 1846



# KENTUCKY LEGISLATURE.

IN SENATE.

THURSDAY, Jan. 22, 1846.

Prayer by Rev. Mr. GODELL.  
The Clerk read the Journal of yesterday.  
Mr. DYER presented a petition.

REPORTS FROM STANDING COMMITTEES.

Mr. HARDIN, from the committee on the Judiciary, a bill for the benefit of the children of Achilles Mormon, with an amendment: concurred and passed.

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On motion of Mr. GLENN, the rules were dispensed in order to allow

Mr. HARLAN, from the committee on the Judiciary, to which the same had been referred, to report a Senate bill entitled an act for the benefit of Louisa Ann Coleman, Ch. K. Kenner, and Marcus M. Kenner, with an amendment—striking out the words, "orally or." [The bill authorizes the mother to file her bill in the Christian Circuit Court for a division of property among her children.] The amendment was concurred in, and the bill passed.

Mr. ALEXANDER asked, obtained leave, and introduced a bill for the benefit of the Sheriff of Meade county: which was referred to a select committee.

Mr. DESHA asked, obtained leave, and introduced a bill for the benefit of Lewis Casey: which was referred to the committee on the Judiciary.

Mr. L. COMBS, (while he deprecated the principle of dispensing with the rules, &c.,) asked leave to introduce a bill to incorporate the Lexington and Kentucky river Railroad Company: which the House refused.

The House also refused the following leave proposed by the gentleman from Graves (Mr. Mayes,) to wit:

A bill for the benefit of John O'Hara, late Sheriff of Caldwell county.

FROM THE COMMITTEE ON RELIGION.

Mr. PETERS reported a motion to be discharged from the further consideration of the petition of T. O'Kane: in which the House concurred.

Mr. PETERS, from the same committee, to whom had been referred the bill entitled an act to amend the law on the subject of divorces, reported the same back to the House, without amendment.

Mr. PETERS said, in explanation of the bill, that in all cases where either by act of the Legislature, or decree of the chancellor, one party has been divorced, in time past, the bill provided that the other party should be divorced by operation of law, &c.

Mr. MILLER proposed to amend by inserting at the proper place, the words, "or may be divorced by the present General Assembly."

Mr. DALLAM proposed a substitute for the amendment, which was to insert into the bill after the words "has been," the words, "or may hereafter be."

The SPEAKER said, it was not very parliamentary to entertain a substitute for an amendment.

And then, on motion of Mr. MAYES, the bill and amendment were laid upon the table.

Mr. PETERS, from the committee on Religion, to whom the same had been referred, reported without amendment, the bill entitled, an act to incorporate the Rodelph Scholom, or people of peace—a society in Louisville for religious worship according to the institutes and forms known amongst the German Jews: passed.

A Senate message by Mr. Secretary KOLBASS, now reported the action of that body on sundry bills, &c.

PROPOSED AMENDMENTS TO THE EXEMPTION LAW.

Mr. L. COMBS, from the committee on Ways and Means, to whom the same had been referred, reported again to the House the bill entitled, "an act to amend an act to reduce into one the several acts exempting property from execution," approved February 7, 1845: which was read. [Exempting in addition, to the existing law, to-wit: "one work beast, one woman saddle, and two dishes."]

The provisions of the bill were then supported by Mr. BROWN, on whose leave the proposition was first introduced.

Mr. MAYES followed on the same side, and Mr. HAGGARD opposed.

Mr. DALLAM stated that he was one of those who had voted at the last session for the repeal of the "two hundred and fifty dollar law;" and that he had also voted for the present statute on this subject; and that he did so, not doubting at the time, but that it would require amendment. The great question decided at the last session was, whether we should exempt specific articles, or continue the general exemption of \$250; and that question was then decided in favor of the specific exemptions by a very large majority. But Mr. D. was satisfied, that, perhaps every friend of the act then passed felt and expected that in process of time it would require to be amended. No man could accuse him of flattery toward the poor, any more than of favoritism for the rich; for he was never guilty of either. The bill was for the benefit of the indigent and oppressed agricultural classes. Nine-tenths of his constituents were agriculturists, as was Mr. D. himself—and hence it was competent for him to know, that no man could support himself in such a vocation without at least two horses. It was also the duty of every householder to go to church with his family, and to keep up all the observances of the social relation: and how this could be done without two horses was, to him, absolutely inconceivable. Mr. D. continued his remarks, and concluded by referring again to the necessity for amending the law, observing that every thing was imperfect in its incipency; that time was necessary to improvement and perfection in legislation; and that, having at the last session, deliberately decided upon the principle of action upon this subject of exemption, he hoped the House would still adhere to it, and go on and perfect the law.

Mr. DESHA. Unaccustomed as he was to speaking, he felt nevertheless constrained now to say something on this subject. He was one of those who voted against the repeal of the "two hundred and fifty dollar law." The people whom he had the honor in part to represent were satisfied with that law—both rich and poor, with very few exceptions. They believed that it operated equally upon all. They believed it better for the oppressed individual himself to select his exempted articles; because they deemed that he better knew what was most necessary for the comfort and convenience of his household, than any legislative body. And from his own observation, Mr. D. was convinced that the principle operated equally on those engaged in every occupation and pursuit in life. Before he would sit down, Mr. D. said he would move to lay the bill on the table, to await an opportunity for the House to act on another proposition connected with this subject, which he intended to bring up; and if he should fail in that, he would be ready and willing to go in to the business of perfecting the present law. He objected to the present law; because, under its operation, the mechanic was allowed only his tools. Whereas, under the "two hundred and fifty dollar law," he might reserve some stock in trade and materials to work with. Under the present law he had no such privilege. But, the operation of the present law, also, resulted unequally. For it might allow one man to exempt perhaps \$250, while it would protect another man in the possession of a thousand dollars. There were individuals known to him in his county, who could exempt the article of horses in value from \$500 to \$1000—under the style of "work-beasts;" and while this was manifestly the case everywhere, the law made no adequate discriminations in favor of unfortunate and oppressed poor men, and their still more unfortunate and oppressed women and children. Mr. D., however, forbore to make his motion, and gave way at the request of

Mr. L. COMBS, who desired that the subject might go again before a committee, or pass into the orders of the day: so as to allow its friends a full chance to perfect the bill, and then the House might decide intelligently between the two principles of general and specific exemption.

Mr. MAYHALL proposed to amend the bill by

adding to the list "one cooking stove, cooking utensils and table ware, not exceeding fifty dollars in value."

Mr. BROWN moved to refer the subject to a select committee.

Mr. ROOT proposed to amend by way of substitute, adding a general exemption of one hundred dollars to the provisions of the present law.

Mr. E. SMITH moved to lay the bill on the table: but withdrew, at the request of some gentleman.

Mr. ORR renewed the motion to lay on the table.

Mr. HARDY. There was already a motion before the House to refer the subject to a select committee, with instructions.

And the bill and amendments, (including propositions from Mr. DALLAM and Mr. ABBETT, which were not reported from the Clerk's table) were then referred to a select committee, to-wit:—Messrs. BROWN, HARDY, L. COMBS, and ABBETT.

Mr. L. COMBS, from the committee on Ways and Means, to whom had been referred a bill for the benefit of the Sheriff of Whitley county, reported a substitute—including the former Sheriff of said county in its provisions: which was read, and amended at the proper stage of the question, by the following propositions, to-wit:

On motion of Mr. MAYES, That John O'Hara, late Sheriff of Caldwell county, be allowed further time to return his delinquent list for 1845.

On motion of Mr. MAXEY, That further time of four months be allowed to the Sheriff of Hart county to return his delinquent list for 1845.

On motion of Mr. ALEXANDER, That O. C. Rich be allowed till the first of May next to make return of his delinquent list for 1845.

On motion of Mr. B. STONE, That the Sheriff of Owsley be allowed till the first of June next to make return of his delinquent list for 1845.

On motion of Mr. MAYHALL, That the Sheriff of Hancock county be allowed till the first day of June next to make return of his lists of muster fines and taxes on forfeited lands.

On motion of Mr. CONNER, That the Sheriff of Bath be allowed till the first Monday in May next to make return of his delinquent list for 1845.

And then, under the operation of the previous question, demanded by Mr. E. SMITH, the bill and amendments were re-committed to the committee on Ways and Means.

SPECIAL ORDER.—THE SALARY BILL.

As the unfinished order for yesterday, the Clerk reported the bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes.

Mr. BARKLEY moved to postpone the consideration of the bill till Tuesday next—alleging the absence of two committees of the House, as his reason for the motion.

This motion was regarded in speeches, for and against, by several gentlemen.

Mr. L. COMBS observed, amongst other things, that there was now before the committee on Ways and Means, a proposition to abolish the Board of Internal Improvement, together with some sincere establishments here about Frankfort, (referring to the old Bank of Kentucky, the Commonwealth Bank, &c., and refer their business to the First Auditor's office—by which measure, it was proposed that officers should be discharged from service, which now together, derive for their salaries, from the Treasury, the sum of \$3,900 annually; and if this measure were to meet with the concurrence of the House, it would make a necessity for certain modifications of the bill now under consideration; and hence he urged another reason for postponement. He proposed next Thursday.

Mr. KELLY proposed to-morrow week.

But the House refused to postpone—ayes 29, noes 55.

The second amendment adopted yesterday, in committee of the Whole, was then reported and adopted by the House—[with reference to the office of the Louisville Chancellor]—ayes 64, noes 20.

Mr. ALEXANDER proposed to amend by reducing the salary of the Superintendent of Public Instruction to \$300.

Mr. E. SMITH proposed to amend the amendment by abolishing the office of Superintendent, and transferring its business, and the business of the body corporate, for the benefit of Common Schools, (composed of the said Superintendent, the Secretary of State, and the Attorney General,) to the First Auditor's office: which, after some discussion about the order, was rejected—ayes 17, noes 60.

Mr. HUNTON proposed to amend the amendment, by adding the clause, "and that he be required to make but one speech annually, in each county—and that for such purpose, he select the poorer districts, &c.," whereupon,

Messrs. SEATON, DESHA, and others, spoke in high terms of the efficiency of the Superintendent, in allaying prejudice against the system of Common Schools, and in establishing schools in various counties where he has itinerated.

Mr. HUNTON added, that he was not disposed to say any thing derogatory to the Superintendent; for, from what he had understood, he was a gentleman, a scholar, thoroughly qualified, &c. He withdrew his amendment.

The question then recurred on \$300.

Mr. MAXEY proposed \$500: which was rejected.

And then, on the motion for \$300, the vote was—ayes 33, noes 45: so it was rejected.]

Mr. DALLAM now proposed to amend, by reducing the pay of Senators and Representatives, after the 15th day of August next, to \$2 a day: which was also rejected—ayes 33, noes 45.

Mr. J. T. SMITH proposed to amend, by striking out "to the Quarter-Master General one hundred and fifty dollars," and inserting "one hundred dollars;" which was adopted.

Mr. DESHA proposed to amend by striking out from the bill the words "except the Judge of the Fifth Judicial District."

Mr. KELLY proposed to amend the amendment by adding the following sections, to-wit:

And be it further enacted, That, from and after the passage of this act, when any of the Circuit Courts in this Commonwealth shall become vacant by death, resignation, or otherwise, it shall be the duty of the next annual session of the Legislature thereafter, to re-district the State, so as to include the vacant district in some of the other Judicial Districts, and that the Legislature continue to merge the districts that may thereafter become vacant, into the remaining districts, until the number of the Judicial Districts in this Commonwealth shall amount to no more than sixteen.

And be it further enacted, That it shall be the duty of one of the Judges, presiding in the adjoining districts to those which may become vacant to hold the Courts in said vacant districts until the meeting of the next Legislature.

Mr. HARLAN now took the floor in opposition; but gave way for a motion to adjourn.

And then the House adjourned.

GEORGIA.—The special election which was held last week for a Representative in Congress from the third Congressional district of the State of Georgia, to fill the vacancy caused by the resignation of Washington Poe, resulted in the choice of George W. B. Towns, Democrat, over Ambrose Baber, his Whig competitor. The Macon Messenger attributes this result to apathy on the part of the Whigs. Mr. Towns has been heretofore a member of the same body to which he is now elected.

PRISONS AND PRISON DISCIPLINE.—In yesterday's Journal a brief notice was given of the arduous and honorable exertions of Miss Dix. We wish now to make a few remarks upon one class of objects to which her time has been devoted, viz: prisons.

It is a long time since John Howard made those memorable tours in Europe, in which with fearless heroism he visited prisons and loathsome dungeons, tombs rather, at whose entrance deadly pestilence kept sleepless watch, and drew thence to public gaze a mass of vice and woe that startled and appalled the firmest minds. Men were then aroused to a perception of the fact that prisons, in which criminals of all ages and classes are indiscriminately herded together, are not only the abodes of terrible suffering, but also high schools of crime, where, under the sharp tuition of malice and revenge, the miserable inmates rapidly become masters of every art of corruption. The interest awakened by Howard has not died out. The subject of prison discipline has held and now holds a prominent place in the minds of all who study the welfare of society. The great problem to be solved is, how shall prisons be so governed as to secure an adequate punishment of the criminal, and at the same time aid in his reformation? Various solutions of this problem have been proposed; and the result of thought upon the subject, in our country, is seen in two systems of prison discipline, one called the Auburn, the other the Philadelphia system. In prisons built upon the first system, the prisoners are separated at night, but allowed to work together by day, though in silence unbroken by a word. In prisons built upon the Philadelphia system an entire separation of prisoners is effected by day as well as by night. The merits of the two systems have been earnestly, often warmly, discussed. Into this discussion we cannot enter. Our time and space permit us only to remark that, of late years, the Philadelphia system has rapidly advanced in public estimation. In a valuable article in the Christian Examiner, we are told "that the various commissions from foreign governments, after visiting the different prisons of the U. States, have all reported emphatically in favor of the separate system, as that of Beaumont and De Tocqueville to the French Government in 1831; of Mr. Crawford to the English in 1834; of Dr. Julius to the Prussian Government in 1835; and Demetz and Blouet to the French Government in 1835, being the second commission from the same Government."

While the friends of the two systems differ upon some points, they all agree that prisons should be so built and managed, in regard to ventilation and neatness, as to secure the health of their inmates; that the contaminating influence, exerted by prisoners upon each other, should be strictly guarded against; and that the officers of prisons should be men of high character, men in whom kindness and wisdom are happily blended with firmness and decision.

In consequence of the deep interest felt upon the subject of prison discipline, and the thorough examination to which that interest has led, a great number of facts have been collected, which show the inestimable importance of universal education as a preventive of crime. A large proportion of criminals are grossly ignorant. The warden of the prison at Philadelphia says, "that of two hundred and seventeen prisoners received during the year 1835, sixty-three could neither read nor write; eighty-five only could both read and write, and that most of those who could read or write, do either very indifferently." The records of other prisons present similar facts, all of which indicate that ignorance is indeed a fruitful mother of crime.

To all nations the education of the people is of great value, but to us it is vitally essential. We have no ancient institutions, cemented together by habit and time-hallowed associations. We have no standing army to guard with force our Government. Our only safety, under heaven, is in the intelligence and virtue of our citizens. It is therefore the dictate alike of self-preservation and of a high sense of duty, that society should provide the means of education for every child in the land. Even farther than this extends the duty of society. When parents through moral corruption and crime, are unable or unwilling to fulfill the duties of parents towards their children, then a solemn obligation rests upon society to adopt those children as its own, to be a parent to them, and by giving to them a home and a school, to furnish them with the opportunity of becoming useful, industrious, and virtuous citizens.

In another article we desire to call the attention of our readers to instances in which society has thus discharged its duty to children of want and crime, and with the happiest results.—*Louisville Journal.*

From the Mayville Eagle.

Mr. COLLINS:—By permission I send you for the Eagle, the following beautiful and appropriate lines addressed to the Signers of the Washingtonian Pledge. They are from the pen of a lady, whose poetic talent and zeal in the temperance cause both entitle them to a place in your paper, and to a careful perusal by all who have any taste for poetry or regard for the temperance cause. The authoress first wrote them at the request of her Sunday scholars, and fearing that they may be "peculiarly applicable to some of the Mason county Washingtonians as well as elsewhere," she now submits them to the press, hoping that they may be a salutary warning to some, and productive of good to many. Happy are we if we have no such temptress in our city, as is described in these beautiful lines. Happy would it be for the world and most happy for the temperance cause, did not such exist in the community at large.

May the time soon come when a wholesome public sentiment shall make it impossible for a male and much more a female to violate the temperance pledge with impunity.

R. C. GRUNDY.

LINES

TO THE WASHINGTONIAN PLEDGE SIGNER.

"Wine is a mocker, strong drink is raging; and whosoever is deceived thereby is not wise."

A temptress glides thro' the halls of light,  
With a soft persuasive air,  
She will offer to thee the wine cup bright,  
Pledge-signer, then beware!

Tho' the chalice gleams like diamond sheen,  
Tho' the drops like rubies glow,  
For a serpent's length is coiled i'ween,  
In the rosy depths below.

Haste, haste away tho' her own red lips  
The liquid fire has quaffed;  
It will shroud thy soul in a dread eclipse—  
There's madness in the draught!

When thou art beside the social board,



and at prices much below what these articles have usually been sold at in this country. The very exorbitant prices at which these articles were sold at in the large cities in the West, was a subject of complaint for many years; we were the first to reduce these prices, and the large patronage that we have received during the past seven years, is ample testimony of this fact; and to those who are disposed to buy goods at the lowest rates, we can say, give us your patronage and we will certainly give you full satisfaction.

J. B. WILDER & CO.,  
January 1, 1846 No. 448, Main street, Louisville.



Coughs and Colds ever offered for sale here, always on hand  
at No. 8, St. Clair street, by  
January 6, 1846. G. W. LEWIS.